

106TH CONGRESS
2D SESSION

H. R. 3824

To simplify and improve the rules governing the distribution of child support collected by States pursuant to part D of title IV of the Social Security Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2000

Mr. CARDIN (for himself, Mr. JEFFERSON, MR. STARK, and Mr. MATSUI) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To simplify and improve the rules governing the distribution of child support collected by States pursuant to part D of title IV of the Social Security Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Support for Chil-
5 dren Act”.

1 **SEC. 2. MANDATORY PASS THROUGH TO FAMILIES OF CUR-**
2 **RENT CHILD SUPPORT PAYMENTS.**

3 (a) IN GENERAL.—Section 457(a) of the Social Secu-
4 rity Act (42 U.S.C. 657(a)) is amended by striking para-
5 graphs (1) and (2) and inserting the following:

6 “(1) CURRENT SUPPORT PAYMENTS.—To the
7 extent that the amount so collected does not exceed
8 the amount required to be paid to the family for the
9 month in which collected, the State shall distribute
10 the amount so collected to the family.”.

11 (b) AMOUNTS PASSED THROUGH COUNTED TO-
12 WARDS TANF MAINTENANCE OF EFFORT REQUIREMENT
13 REGARDLESS OF WHETHER DISREGARDED UNDER
14 TANF PROGRAM.—Section 409(a)(7)(B)(i)(I)(aa) of such
15 Act (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by
16 striking “457(a)(1)” and all that follows and inserting
17 “457(a).”.

18 **SEC. 3. SHARING OF COST OF DISREGARDING CHILD SUP-**
19 **PORT RECEIVED BY TANF RECIPIENTS IN DE-**
20 **TERMINING TANF ELIGIBILITY.**

21 (a) STATE PLAN REQUIREMENT.—Section 454(11)
22 of the Social Security Act (42 U.S.C. 654(11)) is
23 amended—

24 (1) by striking “and” at the end of subpara-
25 graph (A);

1 (2) by adding “and” at the end of subpara-
2 graph (B); and

3 (3) by adding at the end the following:

4 “(C) provide that the State shall make
5 payments pursuant to section 457(g) with re-
6 spect to amounts collected as support;”.

7 (b) PAYMENT RULES.—Section 457 of such Act (42
8 U.S.C. 655) is amended by adding at the end the fol-
9 lowing:

10 “(g) COST-SHARING.—With respect to any amount
11 collected as support by a State pursuant to a plan ap-
12 proved under this part, on behalf of a family that is receiv-
13 ing assistance (as defined in subsection (c)(1)) from the
14 State, the State shall pay to the Federal Government a
15 sum equal to the Federal share (as defined in subsection
16 (c)(2)) of that portion of the amount that is not dis-
17 regarded in determining the eligibility of the family for
18 assistance under a State program funded under part A
19 and in determining the amount of such assistance.”.

20 **SEC. 4. MAINTENANCE OF EFFORT.**

21 Section 454 of the Social Security Act (42 U.S.C.
22 654) is amended—

23 (1) by striking “and” at the end of paragraph
24 (32);

1 (2) by striking the period at the end of para-
2 graph (33) and inserting “; and”; and

3 (3) by inserting after paragraph (33) the fol-
4 lowing:

5 “(34) provide that the total amount expended
6 by the State under this part for each fiscal year
7 shall be not less than the total amount expended by
8 the State under this part for the fiscal year among
9 fiscal years 1997 through 1999 for which such total
10 amount is the greatest.”.

11 **SEC. 5. PROTECTIONS TO ENSURE THAT FAMILIES RE-**
12 **CEIVE TANF BENEFITS WHEN CHILD SUP-**
13 **PORT PAYMENTS ARE DELAYED.**

14 Section 402(a) of the Social Security Act (42 U.S.C.
15 608(a)) is amended by adding at the end the following:

16 “(8) CERTIFICATION OF PROTECTIONS TO EN-
17 SURE TIMELY TANF PAYMENTS WHEN CHILD SUP-
18 PORT PAYMENTS ARE DELAYED.—A certification by
19 the chief executive officer of the State that the State
20 will implement procedures to ensure that assistance
21 provided to the family under the State program
22 funded under this part is not adversely affected by
23 delayed child support payments.”.

1 **SEC. 6. SIMPLIFICATION OF RULES GOVERNING DISTRIBUTION OF CHILD SUPPORT PAYMENTS THAT**
2
3 **ARE IN ARREARS.**

4 (a) IN GENERAL.—Section 457(a) of the Social Security Act (42 U.S.C. 657(a)), as amended by section 2 of
5 this Act, is amended by inserting after paragraph (1) the
6 following:
7

8 “(2) ARREARAGES.—To the extent the amount
9 so collected exceeds the amount required to be paid
10 to the family for the month in which collected, the
11 State shall distribute the amount so collected as follows:
12

13 “(A) ARREARAGES THAT ACCRUED WHILE
14 THE FAMILY WAS NOT RECEIVING ASSISTANCE.—To the extent the amount so collected
15 is attributable to a support arrearage that accrued for a period while the family was not receiving
16 assistance from the State, the State
17 shall distribute the amount to the family.
18

19 “(B) ARREARAGES THAT ACCRUED WHILE
20 THE FAMILY WAS RECEIVING ASSISTANCE.—To
21 the extent the amount so collected is attributable to a support arrearage that accrued for
22 a period while the family was receiving assistance from the State, the State—
23
24
25

1 “(i) may distribute the entire amount
2 to the family; or

3 “(ii) if not distributing the entire
4 amount to the family, and not disregarding
5 the entire amount in determining the eligi-
6 bility of the family for assistance under the
7 State program funded under part A and in
8 determining the amount of such
9 assistance—

10 “(I) shall pay to the Federal
11 Government the Federal share of the
12 amount, and may retain the State
13 share of the amount, but only to the
14 extent necessary to reimburse
15 amounts paid to the family as assist-
16 ance by the State; and

17 “(II) shall distribute any remain-
18 der to the family.

19 “(C) ORDER OF PAYMENTS.—In the case
20 of amounts collected on behalf of a family not
21 receiving assistance from the State, the State
22 shall distribute all amounts owed to the family
23 before distributing any amount owed to the
24 Federal Government or retaining any amount.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) ASSIGNMENT RULES UNDER TANF.—Sec-
2 tion 408(a)(3) of such Act (42 U.S.C. 608(a)(3)) is
3 amended—

4 (A) in subparagraph (A), by striking “so
5 provided to the family” and all that follows and
6 inserting “paid to the family under the pro-
7 gram, which accrue (or have accrued) while the
8 family receives assistance under the program.”;
9 and

10 (B) in subparagraph (B), by inserting “(or
11 have accrued) before the family receives assist-
12 ance under the program or” after “accrue”.

13 (2) ELIMINATION OF OBSOLETE PROVISIONS.—
14 Section 457 of such Act (42 U.S.C. 657) is
15 amended—

16 (A) in subsection (a), by striking para-
17 graphs (3) and (6) and redesignating para-
18 graphs (4) and (5) as paragraphs (3) and (4),
19 respectively; and

20 (B) by striking subsection (b).

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to amounts collected pursuant to
23 assignments made on or after the date of the enactment
24 of this section, and, at the option of the State, may apply

1 to amounts collected pursuant to assignments made before
2 such date of enactment.

3 **SEC. 7. BAN ON USE OF CHILD SUPPORT ENFORCEMENT**
4 **PROGRAM TO COLLECT MEDICAID EXPENSES**
5 **FROM NONCUSTODIAL PARENTS.**

6 Section 454 of the Social Security Act (42 U.S.C.
7 654), as amended by section 4 of this Act, is amended—

8 (1) by striking “and” at the end of paragraph
9 (33);

10 (2) by striking the period at the end of para-
11 graph (34) and inserting “; and”; and

12 (3) by inserting after paragraph (34) the fol-
13 lowing:

14 “(35) provide that the State shall not use the
15 State program operated under this part in any way
16 to collect any amount that is or may be owed to the
17 State by a noncustodial parent by reason of costs in-
18 curred to provide pre-natal, birthing, or post-natal
19 services under the State plan approved under title
20 XIX, subject to section 466(a)(19).”.

21 **SEC. 8. EFFECTIVE DATE.**

22 (a) IN GENERAL.—Except as provided in section 6(c)
23 of this Act and subsection (b) of this section, the amend-
24 ments made by this Act shall take effect on October 1,
25 2000, and shall apply to payments under parts A and D

1 of title IV of the Social Security Act for calendar quarters
2 beginning on or after such date, and without regard to
3 whether regulations to implement such amendments (in
4 the case of State programs operated under such part D)
5 are promulgated by such date.

6 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
7 QUIRED.—In the case of a State plan approved under sec-
8 tion 454 of the Social Security Act which requires State
9 legislation (other than legislation appropriating funds) in
10 order for the plan to meet the additional requirements im-
11 posed by the amendments made by this Act, the State plan
12 shall not be regarded as failing to comply with the require-
13 ments of such section solely on the basis of the failure
14 of the plan to meet such additional requirements before
15 the 1st day of the 1st calendar quarter beginning after
16 the close of the 1st regular session of the State legislature
17 that begins after the date of the enactment of this Act.
18 For purposes of the previous sentence, in the case of a
19 State that has a 2-year legislative session, each year of
20 such session shall be deemed to be a separate regular ses-
21 sion of the State legislature.

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